

Exhibit E

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

1201 NORTH MARKET STREET
P.O. BOX 1347
WILMINGTON, DELAWARE 19899-1347

—
(302) 658-9200
(302) 658-3989 FAX

ANTHONY D. RAUCCI
(302) 351-9392
araucci@morrisnichols.com

December 7, 2021

The Honorable Leonard P. Stark
United States District Court
for the District of Delaware
844 N. King Street
Wilmington, DE 19801

VIA ELECTRONIC FILING

Re: Azurity Pharmaceuticals, Inc. v. Bionpharma Inc., C.A. No. 21-1286 (LPS)

Dear Judge Stark:

Pursuant to the Court's Order, D.I. 88, as altered by the Parties' Stipulation to Extend Time, D.I. 95, so ordered on the docket on November 29, 2021, Plaintiff Azurity Pharmaceuticals, Inc. ("Azurity") submits the attached [Proposed] Scheduling Order.

As Bionpharma has noted, the Parties have engaged in prior litigation related to these products in this patent family. *See, e.g.*, Defendant Bionpharma's Opposition to Plaintiff Azurity's Motion for Order to Show Cause with Temporary Restraints, Preliminary Injunction, and Other Emergent Relief, D.I. 38, p. 4-6. The Parties have already undertaken extensive discovery related to the underlying products, such that the discovery schedule can be shortened and focused on the differences in the new patent claims and any new defenses asserted by Defendant Bionpharma, Inc. ("Bionpharma").

Azurity requested that the Parties work together to submit a proposed joint schedule or proposed alternative schedules to the Court. While Azurity diligently worked to submit the schedule on November 23, Bionpharma requested a two-week extension. Azurity agreed, but noted that it intended to submit a schedule on December 7. Today, Bionpharma refused to submit a schedule prior to the resolution of its second Motion to Dismiss filed yesterday (D.I. 97). Bionpharma's second Motion to Dismiss lacks merit as Azurity's dismissals against CoreRx Inc., Bionpharma's manufacturer, were resolved and dismissed by mutual agreement. In Azurity's view, this case can proceed, as many do, while the Parties are addressing Bionpharma's motion, and should not be further stalled by Bionpharma's machinations of delay.

Azurity's proposed schedule is attached for the Court's review. Azurity remains mindful of the Court's busy schedule and the ongoing issues caused by the pandemic in relation to scheduling jury trials and appreciates the Court's consideration of Azurity's proposed expedited schedule. Counsel are available at the Court's convenience for any questions.

Respectfully,

/s/ Anthony D. Raucci

Anthony D. Raucci (#5948)

ADR/cmk

Enclosure

cc: All Counsel of Record (by email)